

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, line 20, to state that the instant plant reproduces true to type through successive generations of asexual reproduction.

B. The specification has been amended at page 2, line 6, to replace the recitation "peduncle" with --scape--.

C. The specification has been amended at page 2, lines 6, 8, 11 – 13, 17, 18, and at page 3, lines 1 – 5, and abstract, to replace the recitations "flowers" and "flower" with --inflorescences-- and --inflorescence--.

D. The specification has been amended at page 2, line 8, and abstract, to replace the recitation "peduncles" with --petioles--.

E. The specification has been amended at page 3, line 7, to correct the recitation "leafcolour" and replace it with --leaf color--.

F. The specification has been amended at page 3, line 10, to provide the age of the plants described and container size.

G. The specification has been amended at page 4, line 9, to state that the

plant is compact.

H. The specification has been amended at page 2, line 5, and abstract, to replace the recitation "approximately" with --average--.

I. The specification has been amended at page 4, line 11, to state that the leaf margin is entire.

J. The specification has been amended at page 5, line 20, to provide the petiole length.

K. The specification has been amended at page 2, line 11, and the abstract, to replace the recitation "unusual flower longevity" with --lastingness of the inflorescence, as long as one year--.

L. The specification has been amended at page 6, line 18, to provide the color of the scape.

M. The specification has been amended at page 6, lines 4, 12-14, and 16, and abstract to replace the recitation "peduncle" with --scape--.

N. The specification has been amended at page 6, line 19, to provide the spathe margin descriptor.

O. The specification has been amended at page 7, lines 6 – 8, to replace the recitations "blossoms" and "flowers" with --inflorescences--.

P. The specification has been amended at page 7, line 19, to set forth the RHS values for the "pink" and "green" spadix colors.

Q. The specification has been amended at page 7, to remove lines 19 and 20.

R. The specification has been amended at page 7, line 10, to import additional information regarding the spadix.

S. The specification has been amended at page 1, line 8, to italicize the

recitation "Anthurium".

Due to the number of changes, Applicant attaches a substitute specification. The Examiner is authorized to substitute the attached specification for the specification as filed. The substitute specification contains no new matter.

Requirement for Information Under 37 CFR 1.105

Applicant confirms in good faith that the instant plant has not been sold anywhere in the world more than one year prior to the U.S. filing date of July 3, 2003. Plants of 'Anthbnem' were first sold in The Netherlands on September 16, 2002, and in the U.S. on November 29, 2002.

Attached is a copy of the publication of the European Community Plant Breeder's Rights application no. 2001/1313 drawn to 'Anthbnem', and a copy of the published grant, No. EU 11613.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Atty. Dkt. No. 055506/0112
Serial No. 10/612,053

Date: 1/29/04

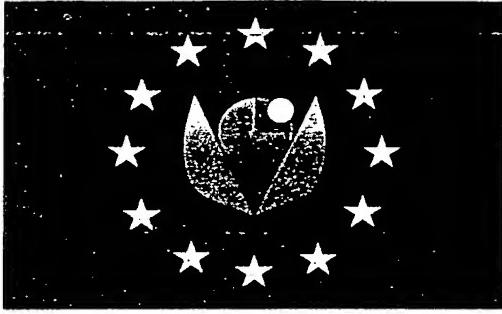
FOLEY & LARDNER
Customer Number: 22428
22428

PATENT TRADEMARK OFFICE
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

Respectfully submitted,

By  35,792
frw

Richard C. Peet
Attorney for Applicant
Registration No. 35,792



CERTIFICAAT INZAKE DE VERLENING VAN EEN COMMUNAUTAIR KWEKERSRECHT

HET COMMUNAUTAIRE BUREAU VOOR PLANTENRASSEN VERKLAART DAT BIJ BESLUIT NR EU 11613 VAN 22 AUGUSTUS 2003, GENOMEN OP GROND VAN VERORDENING (EG) NR. 2100/94 VAN DE RAAD INZAKE HET COMMUNAUTAIRE KWEKERSRECHT, MET INGANG VAN DE DATUM WAAROP BOVENGENOEMD BESLUIT IS GENOMEN, EEN COMMUNAUTAIRE KWEKERSRECHT IS VERLEEND AAN

ANTHURA B.V.

MET WOONPLAATS, ZETEL OF VESTIGING IN

**ANTHURIUMWEG 14
NL - 2665 KV BLEISWIJK**

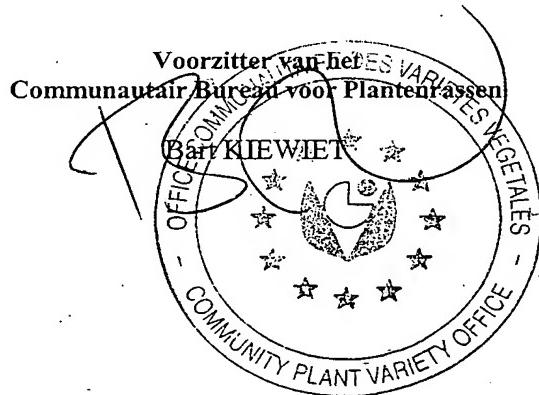
ZIJNDE DE HOUDER VAN DIT RECHT, VOOR HET RAS *Anthurium-Andeanum-Hybrids*, MET DE VASTGESTELDE BENAMING

ANTHBNEM

VOOR EEN PERIODE DIE AFLOOPT UITERLIJK OP 31 DECEMBER 2028

HET COMMUNAUTAIRE KWEKERSRECHT HEEFT UNIFORME RECHTSGEVOLGEN BINNEN HET GRONDGEBIED VAN DE EUROPESE GEMEENSCHAP EN MAG TEN AANZIEN VAN DAT GRONDGEBIED SLECHTS WORDEN OVERGEDRAGEN MET BEHOUD VAN DEZE UNIFORMITEIT. HET RECHT KAN DOOR DE HOUDER WORDEN UITGEOEFEND OVEREENKOMSTIG VERORDENING (EG) NR. 2100/94 VAN DE RAAD INZAKE HET COMMUNAUTAIRE KWEKERSRECHT.

DEZE VERKLARING ONTSLAAT DE HOUDER NIET VAN DE VERPLICHTING TOT HET BETALEN VAN DE RECHTEN VOOR ELK JAAR DAT HET COMMUNAUTAIRE KWEKERSRECHT GELDT.



1	2	3	1	2	3
a: 2001/1313 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbnem	Begonia-Elatior-Hybriden a: 2001/1118 b: 04/07/2001 c:	a: 01845 b: 00555 c: 00423	a01-05
a: 2001/1314 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbowh	Begonia L. a: 2001/1290 b: 10/08/2001 c:	a: 01845 b: 01845 c: 00423	rango
a: 2001/1315 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbcmcm	Beta vulgaris L. ssp. vulgaris var. altissima Döll a: 2001/1309 b: 13/08/2001 c:	a: 03547 b: 03547 c:	f01204
a: 2001/1316 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbcmcn	Bougainvillea Comm. a: 2001/1107 b: 02/07/2001 c:	a: 01393 b: 01393 c:	vera lynn
a: 2001/1317 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbndp	a: 2001/1109 b: 02/07/2001 c:	a: 01393 b: 01393 c:	vera pink
a: 2001/1318 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbneo	Brassica napus L. a: 2001/0943 b: 11/07/2001 c: 10/08/2000	a: 03323 b: 03323 c: 02642	mlch 094
a: 2001/1319 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbnfl	a: 2001/0944 b: 20/07/2001 c: 10/08/2000	a: 03323 b: 03323 c: 02642	mlch 091
a: 2001/1320 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbmzp	a: 2001/0945 b: 20/07/2001 c: 10/08/2000	a: 03323 b: 03323 c: 02642	cr18
a: 2001/1321 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbneq	a: 2001/0956 b: 20/07/2001 c: 10/08/2000	a: 02642 b: 02642 c:	mlch 095
a: 2001/1322 b: 13/08/2001 c:	a: 01347 b: 01347 c:	antopal	a: 2001/1281 b: 01/08/2001 c:	a: 03540 b: 00740/03541 c:	rg9914
a: 2001/1323 b: 13/08/2001 c:	a: 01347 b: 01347 c:	anthbnwk	a: 2001/1282 b: 01/08/2001 c:	a: 03540 b: 00740/03541 c:	mo133/92cms
Arctium lappa L. a: 2001/1260 b: 25/07/2001 c: 07/08/2000	a: 03538 b: 03538 c:	lappola	a: 2001/1352 b: 22/08/2001 c:	a: 03458 b: 03458 c:	sv095-08
Argyranthemum frutescens (L.) Schultz Bip. a: 2001/0935 b: 23/07/2001 c:	a: 03491 b: 03492 c: 02318	dx98.4	a: 2001/1434 b: 20/08/2001 c:	a: 03540 b: 00740/03541 c:	RG 72725
a: 2001/1056 b: 19/07/2001 c:	a: 03176 b: 03176 c:	nelia	Buddleja L. a: 2001/1159 b: 28/06/2001 c:	a: 03526 b: 03526 c:	huimoon
a: 2001/1067 b: 28/06/2001 c:	a: 03491 b: 03510 c: 02318	dx98.33.3	Bulbocodium L. a: 2001/1084 b: 02/08/2001 c:	a: 02354 b: 02354 c: 00033	goudklokje
a: 2001/1068 b: 28/06/2001 c:	a: 03491 b: 03510 c: 02318	dx98.204.4	Calibrachoa a: 2001/1162 b: 13/07/2001 c:	a: 03116 b: 03116 c:	klec00073
a: 2001/1069 b: 28/06/2001 c:	a: 03491 b: 03510 c: 02318	dx98.34.1			
Asimina triloba (L.) Dunal a: 2001/1156 b: 13/07/2001 c:	a: 02787 b: 02787 c: 02042	montanari 1216			